

REFERENCE TITLE: AHCCCS; verification of eligibility

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2237**

Introduced by  
Representatives Seel, Kavanagh, Senators Pearce: Harper

AN ACT

AMENDING SECTION 36-2903.03, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 36-2903.03, Arizona Revised Statutes, is amended to  
3 read:

4       36-2903.03. United States citizenship and qualified alien  
5                 requirements for eligibility; violations;  
6                 classification; report; definition

7       A. ~~A person who is applying for eligibility under this chapter shall~~  
8       ~~provide verification of United States citizenship or documented verification~~  
9       ~~of qualified alien status. Beginning July 1, 2006, an applicant who is~~  
10      ~~applying for services pursuant to this chapter shall provide satisfactory~~  
11      ~~documentary evidence of citizenship or qualified alien status as required by~~  
12      ~~the federal deficit reduction act of 2005 (P.L. 109-171; United States Code~~  
13      ~~section 1396b) or any other applicable federal law or regulation.~~

14     A. BEFORE PROVIDING SERVICES PURSUANT TO THIS CHAPTER, AN EMPLOYEE OF  
15 THE ADMINISTRATION MUST VERIFY THE APPLICANT'S IMMIGRATION STATUS THROUGH THE  
16 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM AS ADMINISTERED BY THE  
17 UNITED STATES DEPARTMENT OF HOMELAND SECURITY. A PERSON WHO IS DENIED  
18 SERVICES MAY APPEAL THAT DECISION AS PRESCRIBED BY THIS CHAPTER. STATE  
19 AGENCIES AND POLITICAL SUBDIVISIONS MUST PROVIDE THE EMPLOYEE WITH ANY  
20 INFORMATION THE EMPLOYEE REQUESTS TO VERIFY THE IMMIGRATION STATUS OF AN  
21 APPLICANT AND ASSIST THE EMPLOYEE IN OBTAINING THAT INFORMATION FROM FEDERAL  
22 IMMIGRATION AUTHORITIES. THE EMPLOYEE MUST SUBMIT A WRITTEN REPORT TO FEDERAL  
23 IMMIGRATION AUTHORITIES FOR ANY VIOLATION OF FEDERAL IMMIGRATION LAW BY ANY  
24 APPLICANT THAT IS DISCOVERED BY THE EMPLOYEE. AN EMPLOYEE WHO DOES NOT  
25 REPORT AS REQUIRED BY THIS SUBSECTION IS GUILTY OF A CLASS 2 MISDEMEANOR. IF  
26 THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO DIRECT  
27 THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2  
28 MISDEMEANOR. THIS SUBSECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,  
29 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN. A PERSON WHO IS A RESIDENT  
30 OF THIS STATE HAS STANDING IN ANY COURT OF RECORD TO BRING SUIT AGAINST THE  
31 ADMINISTRATION TO REMEDY ANY VIOLATION OF THIS SUBSECTION, INCLUDING AN  
32 ACTION FOR MANDAMUS. A COURT SHALL GIVE PREFERENCE TO ACTIONS BROUGHT UNDER  
33 THIS SUBSECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS PENDING IN THAT  
34 COURT. THE VERIFICATION REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO  
35 SERVICES THAT CANNOT BE DENIED ON THE BASIS OF A PERSON'S IMMIGRATION STATUS.

36     B. A qualified alien may apply for eligibility pursuant to section  
37 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title  
38 XIX, may receive all services pursuant to section 36-2907 if the qualified  
39 alien meets at least one of the following requirements:

- 40       1. Is designated as one of the exception groups under 8 United States  
41 Code section 1613(b).
- 42       2. Has been a qualified alien for at least five years.
- 43       3. Has been continuously present in the United States since August 21,  
44 1996.

45     C. Notwithstanding any other law, persons who were residing in the  
46 United States under color of law on or before August 21, 1996, and who were

1 receiving services under this article based on eligibility criteria  
2 established under the supplemental security income program, may apply for  
3 state funded services and, if otherwise eligible for supplemental security  
4 income-medical assistance only coverage except for United States citizenship  
5 or qualified alien requirements, may be enrolled with the system and receive  
6 all services pursuant to section 36-2907.

7 D. A person who is a qualified alien who does not meet the  
8 requirements of subsection B of this section or who is a noncitizen who does  
9 not claim and provide verification of qualified alien status may apply for  
10 title XIX eligibility under section 36-2901, paragraph 6, subdivision (a)  
11 and, if otherwise eligible for title XIX, may receive only emergency services  
12 pursuant to section 1903(v) of the social security act.

13 E. In determining the eligibility for all qualified aliens pursuant to  
14 this chapter, the income and resources of any person who executed an  
15 affidavit of support pursuant to section 213A of the immigration and  
16 nationality act on behalf of the qualified alien and the income and resources  
17 of the spouse, if any, of the sponsoring individual shall be counted at the  
18 time of application and for the redetermination of eligibility for the  
19 duration of the attribution period as specified in federal law.

20 F. A person who is a qualified alien or a noncitizen and who is not  
21 eligible for title XIX may receive only emergency services.

22 G. ~~Beginning October 1, 2007,~~ The administration shall submit a  
23 quarterly report to the governor, the president of the senate, the speaker of  
24 the house of representatives and the staff director of the joint legislative  
25 budget committee that includes the following information:

26 1. The number of individuals for whom the administration verified  
27 immigration status using the systematic alien verification for entitlements  
28 program administered by the United States citizenship and immigration  
29 services.

30 2. The number of documents that were discovered to be fraudulent by  
31 using the systematic alien verification for entitlements program.

32 3. A list of the types of fraudulent documents discovered.

33 4. The number of citizens of the United States who were referred by  
34 the administration for prosecution pursuant to violations of state or federal  
35 law and the number of individuals referred by the administration for  
36 prosecution who were not citizens.

37 H. The administration shall provide copies of the report to the  
38 secretary of state and the director of the Arizona state library, archives  
39 and public records.

40 I. For THE purposes of this section, "qualified alien" means an  
41 individual who is one of the following:

42 1. Defined as a qualified alien under 8 United States Code section  
43 1641.

44 2. Defined as a qualified alien by the attorney general of the United  
45 States under the authority of Public Law 104-208, section 501.

46 3. An Indian described in 8 United States Code section 1612(b)(2)(E).